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07                   UNITED STATES DISTRICT COURT  
08                   WESTERN DISTRICT OF WASHINGTON  
09                   AT SEATTLE

10               UNITED STATES OF AMERICA,                   ) Case No. CR03-138-MJP-JPD  
11               Plaintiff,                                      )  
12               v.    )  
13               LEO FRANCISCO JOSE,                        ) SUMMARY REPORT OF U.S.  
14               Defendant.                                     ) MAGISTRATE JUDGE AS TO  
   ) ALLEGED VIOLATIONS  
   ) OF SUPERVISED RELEASE  
   )  
   )

15               An initial hearing on supervised release revocation in this case was scheduled before  
16 the undersigned Magistrate Judge on July 25, 2005. The United States was represented by  
17 Assistant United States Attorney David Jennings, and the defendant by Mr. Robert Gombiner,  
18 Assistant Federal Public Defender. The proceedings were recorded on cassette tape.

19               Defendant had been sentenced on or about May 13, 2002, by the Honorable Marsha J.  
20 Pechman on a charge of possession of stolen mail, and sentenced to three (3) months in  
21 custody, three (3) years of supervised release, and two (2) months in a community corrections  
22 center.

23               Defendant's sentence was revoked on August 28, 2002, and at that time he was  
24 sentenced to thirty (30) days in custody, thirty-five (35) months of supervised release, and  
25 four (4) months in a community corrections center.

26               Again, defendant's sentence was revoked on January 25, 2006, and he was sentenced

01 to sixty (60) days in custody, eighteen (18) months of supervised release, and four (4) months  
02 in a community corrections center.

03 The conditions of his supervised release included requirements that defendant comply  
04 with all local, state, and federal laws, and the standard conditions of supervision. Special  
05 conditions were imposed to include, but not limited to, no firearms, substance-abuse  
06 treatment, financial disclosure, a fine of \$500.00, to maintain a single checking account, and  
07 to prohibit conveying any asset over \$500.00 without the United States Probation Office's  
08 approval.

09 In a Petition for Warrant or Summons dated July 8, 2005, U.S. Probation Officer  
10 Jonathan M. Ishii alleged the following violations of the conditions of supervised release:

11 1. Consuming cocaine and methamphetamine on or about June 30, 2005, in  
12 violation of the general condition of supervised release.

13 2. Failing to participate in a community corrections or sanctions center program,  
14 in violation of special condition #4.

15 Defendant was advised in full as to those charges and as to his constitutional rights.

16 Defendant admitted both of the alleged violations and waived any evidentiary hearing  
17 as to whether they occurred.

18 I therefore recommend the Court find defendant violated his supervised release as  
19 alleged and that the Court conduct a hearing limited to the issue of disposition. The next  
20 hearing will be set before Judge Marsha J. Pechman at a date to be determined.

21 Pending a final determination by the Court, defendant has been detained.

22 DATED this 27th day of July, 2005.



23 JAMES P. DONOHUE  
24 United States Magistrate Judge

25 District Judge: The Hon. Marsha J. Pechman  
26 AUSA: Mr. David Jennings  
Defendant's attorney: Mr. Robert Gombiner  
Probation officer: Mr. Jonathan M. Ishii